

**\*\*NOT FOR PRINTED PUBLICATION\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 13, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that plaintiffs' *pro se* Motion to Proceed In Forma Pauperis [Doc. #27] be denied [Doc. #28]. On May 28, 2013, plaintiffs filed objections [Doc. #31]. On June 12, 2013, defendant filed a response [Doc. #32].

Plaintiffs seek to proceed in forma pauperis on appeal. The Magistrate Judge determined that “[e]ven though plaintiffs are proceeding *pro se*, they have made no attempt to assert any non-frivolous issues for appeal. Plaintiffs simply failed to engage in this lawsuit, and any claims asserted were frivolous. Thus, the Court recommends that Plaintiffs’ appeal is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).”

Plaintiffs object to the recommended denial of their motion, but the objections still fail to

articulate any arguable issue on the merits of the case. Plaintiffs have failed to assert any plausible claims in this lawsuit. The Magistrate Judge did not err in recommending denial of the motion.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by plaintiffs, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is therefore **ORDERED** that plaintiffs' *pro se* Motion to Proceed In Forma Pauperis [Doc. #27] is DENIED.

So **ORDERED** and **SIGNED** this 24 day of June, 2013.



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Ron Clark, United States District Judge